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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,669	04/20/2000	Dennis A. Brittain	08765-003001	6175

7590 01/28/2004

DENNIS A. BRITTAIN
11026 VIA TEMPRANO
SAN DIEGO, CA 92124

EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/553,669

Applicant(s)

BRITTAIN, DENNIS A.

Examiner

Viet Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 141-163 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 141-163 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Non-Art rejection:

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 154 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specific steps of processing images and graphical objects are not disclosed in the present specification.

Art Rejections:

3. The text of 35 USC 103(a) not cited here can be found in the previous office action.
4. Claims 141-153 and 155-163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaresan et al, U.S. pat.

No. 6,651,059 (hereafter patent '059), and further in view of Sundaresan, U.S. pat. No. 6,487,566 (hereafter patent '566).

Patent '059 discloses a system and method for capturing and storing data from a network comprising:

- a) enabling the user to use a web browser for specifying target data addressable by a network address (see col 5, lines 44-47 and col 6, lines 17-20),
- b) generating one or more input parameters for searching and capturing data from the network at specified dates and times (col 6, lines 33-45),
- c) extracting and filtering specified target data (e.g. embedded links) using user-specified parameters, i.e., types of data, locations, etc., (col 6, line 59 - col 10, line 16),
- d) storing the target data (see col 10, lines 17-19).

The patent '059 does not explicitly teach retrieving and extracting specific object data (e.g., image, text) from a formatted web page, e.g., html, xml. The use of data extraction and conversion methods including tree/string matching is well known in the art as disclosed in the patent '566 (see cols 3-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any known data capturing/conversion in patent '059 because it would have enabled capturing specific target object data.

Per claims 144 and 163, it would have been obvious to one skilled in the art to realize that the automatic data capturing can be set for any dates and times (see col 6, lines 43-45).

Per claim 155, it is noted that the use of timeout to terminate nonresponsive communication is well known in the art.

Per claims 158-159 and 162, it is further noted that a conventional web browser allows user to use a pointing device (e.g. mouse) to highlight/select target data (see col 5, lines 44-47).

6. It is noted that claim 154 is NOT rejected on art.

Response to Amendment:

7. Applicant's amendment with newly submitted claims 141-163, filed 11/17/2003, has overcome the previous art rejected mailed 10/24/2003. However, new claims 141-163 still remain non-allowable in view of newly found reference and a new ground of rejections set forth above.

Conclusion:

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 703-305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-305-9600. The Group fax number is 703-872-9306.



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
1/23/04